

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

United States Courts
Southern District of Texas
FILED

for the

Southern District of Texas

January 13, 2019

David J. Bradley, Clerk of Court

United States of America)

v.)

Hugo Rene GARCIA)

YOB: 1979)

COB: Mexico)

Case No.

M-19-0081-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 11, 2019 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 U.S.C. § 922(g)(5)(A)

Offense Description

Knowingly and unlawfully, being an alien, illegally or unlawfully in the United States, shipped or transported in interstate or foreign commerce, or possessed in or affecting commerce, to wit: one (1) 7.65 mm semi-automatic handgun(Serial Number: 204053), and one 9mm Browning semi automatic handgun (Serial Number: 245NZ50783).

This criminal complaint is based on these facts:

See "Attachment A"

☒ Continued on the attached sheet.Submitted by reliable electronic means, sworn to and attested
to telephonically per FED. R. Cr. P. 4.1, and probable cause
found on:

Sworn to before me and signed in my presence.

Date: 01/13/2019City and state: McAllen, Texas

Complainant's signature

Antonio Perez IV, HSI Special Agent

Printed name and title

Judge's signature

Scott Hacker, U.S. Magistrate Judge

Printed name and title

Attachment A

On January 11, 2019, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) in McAllen, Texas conducted surveillance at residence located at 618 W 30th in Mission, Texas. HSI McAllen special agents with assistance of HSI McAllen Task Force Officers (TFO) and the Mission, Texas Police Department approached the residence to conduct a consensual search.

Upon arrival at the location HSI McAllen encountered Hugo Rene GARCIA outside of the residence. GARCIA advised HSI McAllen that he resided at the residence and granted HSI McAllen permission to conduct a consensual search orally and in writing. The consensual search resulted in the discovery of one (1) 7.65 mm semi-automatic handgun (Serial Number: 204053), one 9mm Browning semi-automatic handgun (Serial Number: 245NZ50783), four handgun magazines, 34 rounds of ammunition, and approximately \$16,000.00 in U.S. currency.

On January 11, 2019, HSI Special Agent (SA) A. Perez and HSI TFO C. Villareal conducted an interview with GARCIA. HSI SA A. Perez read GARCIA his Miranda rights as witnessed by Villareal. GARCIA stated he understood his rights and voluntarily waived them orally and in writing. GARCIA made the following non-verbatim statements that have been paraphrased and may not be in the order in which he gave them:

GARCIA admitted he was Mexican citizen and was illegally present in the U.S. GARCIA stated the two handguns at his residence belonged to him. GARCIA admitted he was aware that it was illegal for him to be in possession of a weapon.

On January 13, 2019, your affiant contacted Alcohol, Tobacco, Firearms and Explosives (ATF) SA V. Rubbo, who is recognized expert in the interstate and foreign commerce travel of firearms and ammunition. Based on the information your affiant provided SA V. Rubbo about the firearms possessed by GARCIA, SA Rubbo stated that the firearms were manufactured outside of the State of Texas and therefore, previously traveled in the interstate or foreign commerce at some time prior to being possessed by any person in the State of Texas.